

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the matter of)
Amendment of Section 73.202 (b),) MB Docket No. _____
Table of Allotments)
FM Broadcast Stations) RM- _____
(Alamogordo, New Mexico))

PETITION FOR RULEMAKING

To the Chief, Allocations Branch:

Daniel R. Feely ("Petitioner") respectfully requests the Commission initiate a rulemaking proceeding for the purpose of considering amending Section 73.202(b) of the Commission's rules. In support whereof the following is stated:

2. Petitioner proposes the Commission allot FM channel 240C2 to Alamogordo, NM as its fifth commercial FM service. This would require amending Section 73.202(b) of the Commission's rules as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Alamogordo, NM	232C3, 279A, 287C3, 300A	232C3, 240C2, 279A, 287C3, 300A

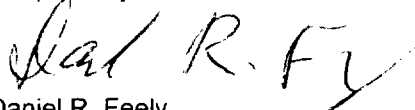
3. Alamogordo an incorporated city located in Otero County, NM. In 2000, the United States Census Bureau estimated that Alamogordo had a population of 35582 persons.

4. FM channel 240C2 can be assigned to Alamogordo in full compliance with the Commission's minimum distance separation requirements. This is illustrated in the attached spacing study. Coordinates used are N32:49:04 W105:54:19 and are located approximately 11 Km south of Alamogordo. This site restriction is necessary to prevent a short spacing with a vacant allotment in Magdalena, NM. Petitioner is confident he can find a suitable transmitter site for channel 240C2 if it is allotted to Alamogordo, NM.

5. Petitioner, or an entity with which he is affiliated, intends to apply for a construction permit to activate channel 240C2 if it is assigned to Alamogordo as proposed. If his application is granted, he shall promptly construct and operate the proposed station.

6. Petitioner hereby verifies and affirms that the statements given in this petition for rulemaking are his, and are accurate to the best of his knowledge.

Respectfully submitted,



Daniel R. Feely
682 Palisade St.
Pasadena, CA 91103
July 14, 2003

0+4
MB

03-221

FM Spacing Study for Channel 240C2, Alamogordo, NM
 At Coordinates: N32:49:04, W105:54:19

CHAN	FREQ	CALL	LOCATION		DIST	REQ	CLEAR
238C	95.5	KLAQ	EL PASO	TX US	126	105	21
240C	95.9	ALLOC	ASCENCION	CH MX	275	270	5
240C2	95.9	ALLOC	MAGDALENA	NM US	190	190	0
240A	95.9	KIVA	SANTA ROSA	NM US	263	166	97
241C3	96.1	ALLOC	DEXTER	NM US	149	117	32
242C	96.3	KBZU	ALBUQUERQUE	NM US	270	105	165
242C	96.3	KHEY-FM	EL PASO	TX US	126	105	21

